

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

NATHAN CHARLES CAREY

FILED**JUL 13 2007****WDB****CRIMINAL COMPLAINT**

CASE NUMBER:

4-07 70421

(Name and Address of Defendant)

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 31, 2005 in Contra Costa county, in the

Northern District of California defendant(s) did, (Track Statutory Language of Offense)

knowingly attempt to transport in interstate or foreign commerce by any means including by computer any visual depiction of a minor engaged in sexually explicit conduct, and knowingly possess a visual depiction of a minor engaged in sexually explicit conduct that was transported in interstate or foreign commerce, or that was produced using materials that were transported in interstate or foreign commerce

in violation of Title 18 United States Code, Section(s) 2252(a)(1) and (b)(1), and 2252(a)(4)(B)

I further state that I am a(n) ICE Special Agent and that this complaint is based on the following

Official Title

facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Approved
As To
Form:

AUSA: Michelle Morgan-Kelly

Name/Signature of Complainant:

Greg Pokalski

Sworn to before me and subscribed in my presence,

7-13-07
Date

at

San Francisco, CA

City and State

The Honorable James Larson
United States Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA

AFFIDAVIT

I, Gregory Pokalski, being duly sworn, hereby depose and state as follows:

1. I am employed as a Senior Special Agent (SSA) with the United States Department of Homeland Security, United States Immigration and Customs Enforcement (ICE), presently assigned to the office of the Special Agent in Charge, San Francisco, California (SAC/SF), Cyber Crimes/Operation Predator Unit. I have been employed in this capacity for approximately four years. Prior to that, I was a Special Agent with the United States Department of Justice, Immigration and Naturalization Service (INS) for approximately sixteen (16) years. Among the responsibilities of ICE is the enforcement of federal criminal statutes involving the sexual exploitation of children under Title 18, United States Code, Section 2251, et seq. My responsibilities with ICE include investigations into the sexual exploitation of children within the Northern District of California. As an ICE Special Agent, I have completed the Customs Investigations Cross-Training Program, where I received training in child pornography investigations. I have also received training in a Cyber Crimes course given by the Federal Bureau of Investigation (FBI). As an ICE Special Agent, I have spoken with ICE Senior Special Agent (SSA) Orin Clapp, a trained Computer Forensics Agent, regarding the role of computers and the Internet in child pornography investigations. I have participated in numerous criminal investigations involving child pornography.
2. This affidavit is made in support of a warrant to arrest NATHAN CHARLES CAREY for a violation of Title 18, United States Code, Section 2252(a)(1) and (b)(1), which makes it a crime

to knowingly attempt to transport, in interstate or foreign commerce, by any means including by computer, any visual depiction of a minor engaged in sexually explicit conduct, and 2252(a)(4)(B), which makes it a crime to knowingly possess a visual depiction of a minor engaged in sexually explicit conduct that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer.

3. The information contained in this affidavit is based on my personal observations and training and information provided by other law enforcement officers and/or agents. This affidavit is submitted solely for the purpose of making the requisite showing to obtain an arrest warrant. As such, it does not contain all the information obtained during this investigation.
4. As will be set forth more fully below, I believe that there is probable cause to conclude that CAREY committed violations of Title 18, United States Code, Sections 2252(a)(1) and (b)(1), attempted transportation of child pornography, and 2252(a)(4)(B), possession of child pornography.

2005 Investigation of NATHAN CAREY by Concord Police

5. On May 31, 2005, police in Concord, California executed a sealed search warrant issued by the Contra Costa County Superior Court at the residence of Nathan Charles CAREY, 1650 Adelaide Street, #21, Concord, California. The search was based on information from a confidential source who stated that child pornography was located at CAREY'S residence. The search resulted in the seizure of CAREY'S computer and numerous CD-R disks.
6. Detective Darryl Holcombe of the Concord Police Department performed the forensic analysis on CAREY'S computer. Detective Holcombe is a trained computer forensic agent with the Northern California Computer Crimes Task Force.

7. Forensic analysis of CAREY'S computer revealed dozens of videos and images of children under the age of eighteen in various stages of undress and participating in sexual activity. For example:
 - a. **"Five yo Mom Pop doing nasty stuff"** is a video depicting a girl approximately five years of age. An adult female is performing oral sex on the child. The adult female is then shown forcing the girl to perform oral sex on and masturbate an adult male. The adult female then places the girl on the adult male's erect penis.
 - b. **"kiddy-pedo-love69"** is an image depicting an adult male using his thigh and hand to clamp a pre-pubescent female's head in order to ejaculate into her mouth.
8. Your affiant has spoken with Detective Holcombe regarding the evidence of child pornography located on CAREY's computer, which is contained on two separate hard drives in the computer.
9. Your affiant and Detective Holcombe have viewed a file in CAREY's Microsoft Outlook "saved email" folder. This video, **"Cambodian Child Brothel, Savy Pak 5 yo. 6 y.o. Real Pedo,"** depicts nude prepubescent females performing oral sex upon an adult male. The video also depicts the nude prepubescent females masturbating the adult male.
10. Detective Holcombe explained that the Outlook email application can be used to access Usegroups, a bulletin board Internet format that allowed users to browse content of subjects in which they are interested. Detective Holcombe explained that the forensic evidence on the computer revealed that CAREY accessed Usegroups and downloaded images and videos of minors engaged in sexual activity, such as the ones described above, and then saved those files in the "saved email" folder contained within the Outlook program. Once the file was saved, CAREY had the ability to move that file to any other folder or program within the computer's

operating system.

11. Detective Holcombe explained that files found within the "saved email" folder in CAREY'S Outlook program also resided in other locations on Drives 1 and 2, indicating that CAREY instructed the computer to save the file in those places.
12. According to Detective Holcombe, CAREY had installed programs for file sharing via "peer-to-peer" applications on his computer. Based on my training and experience and my conversations with Detective Holcombe, I know that peer-to-peer file sharing programs allow individual users to share selected computer files over the Internet through a one-on-one connection with another person on the network at the same time. Such programs typically create a "shared folder" on the user's computer, in which a user can place any files that he wishes to share. Other users on the network may then access that "shared folder" via a direct one-on-one connection, and download any files they want. If the user wishes to obtain files from other users, he similarly can access their computers and download any files he wants into his "shared folder." One common commercially available peer-to-peer application is called "Kazaa."
13. Detective Holcombe informed me that a file called **"3 little girls 7yo 8yo 11yo sucking grampa dick-11yo girl fucked by the ass for other olderman webcam r@ygold dee desi jodete cabron.avi"** was saved in the Microsoft Outlook "saved email" file on May 30, 2005 at 7:29 PM. This video, which I have viewed, is 25 minutes and 18 seconds long, and depicts two minor females engaged in masturbation and the lascivious exhibition of their genital areas. This file is located in the Outlook saved email folder, and subsequently was placed in the "shared folder" on Drive 1 under the Administrator account, the Kazaa "shared folder" in Drive 1, and the Windows "shared folder" on Drive 2 under the account named Nathan CAREY. According

to Detective Holcolme, this indicates that CAREY was attempting to share this file with other users of the peer-to-peer network.

14. A second file stored under two different file names contained the same video. In the Outlook saved files folder, the video is called **“Best Incest about 14yo cute pigtail german lolita tiny puffies, hairless coochie lots of positions (r@ygold underage pedo).mpg,”** and in the Drive 1 shared folder it is called **“Kidnapped @ war-A Hot Virgin was made a sex slave-Owner must sell and the buyer is trying the young slave out-slave wants new young owner bad and goes wild (B4TN)-Hi Guys.mpg.”** Detective Holcombe matched the MD-5 hash marks (a “digital fingerprint” containing a series of numbers and letters) for both videos and found they were identical. The video was saved in the Outlook “saved email” folder on May 8, 2005 at 2:30 AM. This video, which Detective Holcolme viewed and described to me, is 16 minutes and 42 seconds long, and depicts a minor female engaged in oral sex as well as sexual intercourse. This file also was subsequently saved in the “shared folder” on Drive 1 under the Administrator account. According to Detective Holcombe, this indicates that CAREY was attempting to share this file with other users on the peer-to-peer network.

Identification of NATHAN CAREY as “Illegal CP” Website Subscriber

15. In or about October, 2005, ICE agents in Newark, New Jersey identified a child pornography website known as “Illegal CP.” A subsequent search warrant revealed the Internet Protocol (“IP”) addresses of numerous subscribers who had visited the site. Agents also determined that an email account was facilitating subscriptions to the site. In December, 2005, and again in January, 2006, the United States District Court for the District of New Jersey authorized the interception of electronic communications occurring over that email account.
16. On or about March 29, 2006, ICE agents intercepted an e-mail message to the e-mail addresses

of a number of individuals who had attempted to subscribe to the "Illegal CP" website. Among the recipients of this message was "etherialdruid@yahoo.com," at an IP address of 69.42.8.85.

17. On or about February 28, 2006, ICE agents issued a United States Customs Summons to Yahoo! Inc., requesting subscriber information for the screen name etherialdruid@yahoo.com. On or about March 20, 2006 representatives of Yahoo! Incorporated, confirmed that the subscriber for the e-mail address etherialdruid@yahoo.com was Nathan Charles CAREY, 1650 Adelaide Street, Apartment #21, Concord, California. A subpoena was then issued to Seren Innovations, holder of the Internet Protocol ("IP") address of 69.42.8.85, the IP address associated with the above-referenced transmission. On or about June 8, 2006, representatives of Seren Innovations confirmed that the IP address of 69.42.8.85 was located at 1650 Adelaide Street, Apartment #21, Concord, California.
18. A check with the Division of Motor Vehicles revealed that an individual named Nathan Charles CAREY with a date of birth of January 16, 1976, resided at the time at 1650 Adelaide Street, Apartment #21, Concord, California.

Additional Background on Nathan CAREY

19. Your affiant has reviewed criminal records in Contra Costa County which show that Nathan CAREY was arrested on February 7, 2007, for the serial child molestation of a seven-year-old girl. His trial on those charges is expected to commence on July 23, 2007.

CONCLUSION

20. Wherefore, based upon the above facts and information, I believe that there is probable cause to conclude that Nathan Charles CAREY committed violations of Title 18, United States Code, Section 2252(a)(1) and (b)(1), attempted transportation of child pornography, and

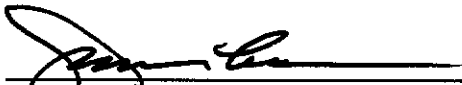
2252(a)(4)(B), possession of child pornography. I respectfully request that a warrant be issued authorizing the United States Department of Homeland Security, U.S. Immigration and Customs Enforcement, with appropriate assistance from other law enforcement officers, to place CAREY under arrest.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Gregory Pokalski, Senior Special Agent
U.S. Immigration and Customs Enforcement
U.S. Department of Homeland Security

Sworn to before me, and subscribed in my presence,
this 13th day of July, 2007.



THE HONORABLE JAMES LARSON
United States Magistrate Judge